

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
Unlicensed Operation in the TV Broadcast Bands)	ET Docket No. 04-186
)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band)	ET Docket No. 02-380
)	

IMPACT ON CANADIAN BROADCASTERS NOT ADDRESSED

ROGERS COMMUNICATIONS INC.

Rogers Communications Inc. ("Rogers") is filing these comments in respect of the recent announcement made by the Federal Communications Commission ("FCC" or "the Commission") that it would be issuing a decision authorizing the use of "TV white space devices" on an unlicensed basis on November 4, 2008. The Commission made this announcement on the same day that it released a report conducted by the Office of Engineering and Technology relating to the testing of TV white space devices. Rogers is concerned that the FCC's decision to authorize TV white space devices could cause unintended interference problems for Canadian over-the-air television stations and cable system operators, particularly those that operate near the U.S. border.

Rogers is a diversified Canadian communications and media company engaged in three primary lines of business. Rogers Wireless is Canada's largest wireless voice and data communications services provider and the country's only carrier operating on the world standard GSM technology platform. Rogers Cable and Telecom is Canada's largest cable television provider offering cable television, high-speed Internet access, residential telephony services, and video retailing, while our Rogers Business Solutions division is a national provider of voice communications services, data networking, and broadband Internet connectivity to small, medium and large businesses. Rogers Media is Canada's premier collection of category leading media assets with businesses in radio and television broadcasting, televised shopping, publishing and sports entertainment. Rogers Media has been licensed by the Canadian Radio-television and Telecommunications Commission ("CRTC") to operate several over-the-air television stations throughout Canada, including a number that operate in close proximity to the border between Canada and the United States.¹

¹ Rogers' television stations include: CITY-TV Toronto and transmitters CITY-TV-2 Woodstock, CITY-TV-3 Ottawa, CITY-DT Toronto, Ontario; CFMT-TV and transmitters CFMT-TV-1 London and CFMT-TV-2 Ottawa, CFMT-DT, Toronto, Ontario; and CJMT-TV and transmitters CJMT-TV-1 London and CJMT-TV-2 Ottawa and CJMT-DT, Toronto, Ontario, CKAL-TV Calgary and transmitter CKAL-TV-1 Lethbridge, CKEM-TV

We understand that the Commission is conducting a rulemaking proceeding to consider authorization of portable transmitting devices that would utilize the television broadcast spectrum that is currently left unused as spaces between spectrum that is used by digital television or other authorized services. These "white spaces" are intended to protect the services in question from interference. We further understand that the Commission intends to use unproven spectrum sensing technology in combination with geo-location and database access techniques as the means to avoid causing interference by unlicensed white space devices to television stations that use adjacent frequencies.

As the Commission is aware, Canada has also announced plans to transition its television broadcasters to a digital platform by 2011. Rogers is concerned that the rules the FCC intends to adopt for the use of TV white space devices may cause unnecessary interference to over-the-air television stations and cable facilities operating in Canada in proximity to the Canada-US border. Our concerns are based on the fact that the FCC does not appear to have considered, as part of its deliberations, the potential negative impact that its proposed new rules will have on the digital signals transmitted by Canadian television stations and on the ability of Canadian television viewers to receive those signals off-air or through cable facilities without interference.

Rogers believes that given the long history of bilateral consultation and coordination of trans-border spectrum issues between our two countries, it is important that the Commission consider the impact that its rulemaking will have in Canada and take all steps necessary to ensure that Canadian television stations that border on the U.S. and cable systems that distribute those signals in Canada will not suffer harm as a result of the interference that will be caused by the TV white space devices. Our greatest concern is that these portable, and potentially mobile, consumer devices are impossible to locate or police once they are sold in large numbers. While it may be possible, in theory, for them to co-exist with over the air television, the testing so far does not seem to unequivocally support that conclusion. Furthermore, these devices will certainly cause interference when they malfunction and will be difficult to police on an unlicensed basis. Also, it is not clear to us how these devices co-exist with Cable TV, which uses every available channel. We believe that the proposed unlicensed transmitting devices can interfere with television reception through ingress into the TV set itself.

As the Commission is aware, there is currently an *Agreement between the Government of the United States of America and the Government of Canada Relating to the TV Broadcasting Service*, Nov. 3, 1993 – Jan. 5, 1994 and the FCC and the Canadian Department of Industry have a letter of understanding in place – *Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting* – both of which require consultation between the FCC and the Department of Industry in Canada prior to implementing any new rules relating to the use of spectrum for television services, including spacing requirements, that could have a significant negative impact on Canadian broadcasters.

In light of the above, Rogers is requesting that the Commission consider the potential impact that its new rules for TV white space devices could have on Canadian broadcasters and engage in

consultations with Canadian government officials in the Department of Industry to ensure that any authorization granted for the use of TV white space devices does not have a negative impact on Canadian television stations operating north of the U.S. border.

We therefore respectfully urge the Commission not to proceed with its rule making respecting white spaces until the full impact of potential cross-border interference from white space devices is assessed and addressed through a consultative process between Canada and the United States.

All of which is respectfully submitted by

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line extending to the right.

Kenneth G. Engelhart
Senior Vice President - Regulatory & Chief Privacy Officer